

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 10-20112  
Hon: AVERN COHN

D-2, ABEL RUIZ,

Defendant.

**MEMORANDUM AND ORDER DENYING MOTION TO SUPPRESS EVIDENCE  
OBTAINED USING SEARCH WARRANTS (D/E 18)**

This is a criminal case. Defendant, Abel Ruiz (Ruiz), is charged with two (2) counts of violation of 21 USC §846, Conspiracy to Distribute a Controlled Substance. Co-defendant, Steven Duane Dent, is also charged in the two (2) counts as a co-conspirator, and in a third count with a violation of 21 USC §841, Possession With Intent to Distribute a Controlled Substance, and in an additional 116 counts a violation of 18 USC §§1956(a)(1)(B)(i), Laundering of Monetary Instruments. Dent is a fugitive.

Now before the Court is a motion styled

ABEL RUIZ'S MOTION TO SUPPRESS EVIDENCE  
OBTAINED USING SEARCH WARRANTS, TO SUPPRESS  
DERIVATIVE EVIDENCE OBTAINED USING SEARCH  
WARRANTS, AND FOR AN EVIDENTIARY HEARING

Particularly, Ruiz challenges two (2) separate search warrants issued out of the Northern District of Indiana for houses at 630 Lyell Court, City of Fort Myers, Allen County, Indiana, and 50218 Stony Run Court, City of Fort Wayne, Allen County, Indiana. Both search warrants were issued on the basis of the affidavit of Chad Allen, a Task Force Officer of the Drug Enforcement Administration.

A hearing was held on the motion on July 01, 2010, at which the legality of the search warrants was thoroughly vetted. The law related to the legality of search warrants in the circumstances here is well known, and need not be repeated. See United States v. Williams, 544 F3d 683 (6th Cir. 2008); United States v. Whetstone, Case No. 09-20348, WL 4506430 (E.D. Mich. Nov. 25, 2009) (Cohn, J.).

The motion is DENIED.

As stated during the course of the colloquy with counsel relating to Allen's affidavit at the motion hearing:

- Ruiz was identified as the probable owner and the occupant of the Lyell Court house
- The house on Stony Run Court was identified as a place where drug trafficking took place
- Ruiz was identified as a person with an interest in the Stony Run Court house
- Ruiz was identified as a drug dealer
- Ruiz was identified as being observed at the Lyell Court house. Allen, an experienced agent, stated that in his experience people who deal in drugs keep records of drug dealings in their houses
- Dent, a known drug dealer, was in communication with Ruiz in Fort Wayne and also seen with Ruiz in circumstances which suggested a drug deal was taking place

- There was probable cause established in the Allen's affidavit to believe that drug activity took place in the Stony Run Court house, and probable cause established to believe that the Lyell Court house was occupied by a person engaged in drug activity (the search warrants were not directed to Ruiz, but directed to the two houses).

Additionally, Allen's affidavit establishes probable cause to believe that the Stony Run Court house contained evidence of drug trafficking, and the affidavit also established that there was probable cause to believe that the Lyell Court house contained evidence of drug trafficking.

Allen's affidavit runs 20 pages, and his statements are not set forth in separately numbered paragraphs. It is not easy to collate what Allen states in a clear and chronological order. However, when carefully read, Allen's statements to the magistrate judge who approved the search warrants clearly established probable cause.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: July 14, 2010

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, July 14, 2010, by electronic and/or ordinary mail.

S/Michael Williams  
Relief Case Manager, (313) 234-5160